

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 4, 2005**

The Board of Supervisors of Maricopa County, Arizona convened in Formal Session at 9:00 a.m., May 4, 2005, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Max W. Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2, Andrew Kunasek, District 3, and Mary Rose Wilcox, District 5. Absent: Fulton Brock, District 1. Also present: Fran McCarroll, Clerk of the Board; Stefanie Pesqueira, Administrative Coordinator; David Smith, County Manager; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

INVOCATION

Meyer Turken, Turken Industrial Properties, delivered the invocation.

PLEDGE OF ALLEGIANCE

Bob Caravello, Protective Services Officer, led the assemblage in the Pledge of Allegiance.

PET OF THE MONTH

Julie Bank, Maricopa County Animal Care & Control, introduced "Peanut" as the pet of the month. Mr. Banks said that Peanut came as a stray to the facility and advised she would make a great pet for a family with older kids. Ms. Banks said Peanut is approximately 6 years old and she is fully vaccinated, neutered, licensed and has a microchip implanted. Ms. Bank ended with hopes to find a new home for Peanut who will be available for adoption later today at the facility located at 5231 N. 35th Avenue. Lastly, Ms. Bank advised the public to call 602-506-PETS for further information regarding pet adoptions.

PRESENTATION – ADOPT-A-HIGHWAY PROGRAM

Stephanie Brown, Program Coordinator, recognized the following volunteer groups regarding the Adopt-A-Highway Program at the Maricopa County Department of Transportation. Each volunteer group received a plaque for their dedication in maintaining the cleanliness and beauty of Maricopa roadways. (C6405298900) (ADM631-003)

Special Community Service

- Sun City Prides – 25-year Anniversary
- San Tan Mountains Pride Association – Seven years public service via the San Tan Area cleanup.

Adopt-A-Highway Recognition

- Williams Gateway Airport
- In Loving Memory of A Rural Area
- Ladies Aide and Friends
- Pebblecreek Hiking Club
- In Memory of Hector G. Hernandez

PUBLIC HEARING – LIQUOR LICENSE APPLICATION

Chairman Wilson called for a public hearing on the following liquor license application:

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Application filed by William M. Vanden Heuvel for a Special Event Liquor License: (F23164) (SELL678)

Business Name:	Knights of Columbus
Location:	8608 S. 29 th Avenue, Laveen, 85339
Date/Time:	May 14, 2005; 8:00 am – 12:00 pm May 15, 2005; 8:00 am – 12:00 pm

Supervisor Wilcox stated that the report from the Planning and Development Department had come to the Board with a recommendation of denial of this request. The basis of their recommendation was that the zoning for this area is Rural-43. That zoning would require a Temporary Use Permit, and none had been applied for. However, the location had applied for a Special Use Permit, but had not met all of the requirements to receive the permit. The applicant had been notified, but had not yet come into compliance with the requirements. Although Supervisor Wilcox indicated her support for the Knights of Columbus, she would be unable to recommend approval of this request because of the non-compliance issues related to the property.

No speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Kunasek to recommend denial of the request for a special Event Liquor License. Motion carried unanimously (4-0-1). (Supervisor Brock was absent)

ROAD DECLARED (ROAD FILE NO. A321)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) that the following resolution be adopted: (C6405239B)

WHEREAS, pursuant to A.R.S. §28-6701, on the 6th day of April, 2005, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

The East 30 feet of the South half of the Southwest quarter of the Northeast quarter of said Section 9, T4N, R1E, of the G&SRB&M, Maricopa County, Arizona. Said alignment is also known as 93rd Avenue from Pinnacle Peak Road to E.O.M. in Supervisor District No. 4). General Vicinity: 193rd Avenue – Pinnacle Peak Road to E.O.M.

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in the Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

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BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 4th day of May 2005.

ROAD DECLARED (ROAD FILE NO. A318)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) that the following resolution be adopted: (C6405242B)

WHEREAS, pursuant to A.R.S. §28-6701, on the 6th day of April, 2005, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A roadway alignment, together with all appurtenant rights, being of varying widths lying within Sections Thirty-Two (32) and Thirty-three (33) in Township One (1) North, Range One (1) West, Sections Four (4), Three (3), Two (2) and Section One (1) in Township One (1) South, Range One (1) West, Section Thirty-six (36) and Thirty-five (35) in Township One (1) North, Range One (1) West, all in the Gila and Salt River Base and Meridian, Maricopa County, Arizona, the alignment for this roadway begins at the Estrella Parkway, thence Easterly along the Vineyard Avenue alignment thru the Casey Abbot Recreation Area (aka Estrella Mountain Park), transitioning into 143rd Avenue alignment, Southerly along this alignment, transitioning into Indian Springs Road alignment, Easterly, transitioning into 116th Avenue alignment, Northeasterly, transitioning into 115th Avenue alignment to the terminus at Southern Avenue, this alignment being more particularly described in three segments as follows:

Segment No. 1 Roadway within Sections 32 and 33 in T.1N.,R.1W.

A segment with a variable width of the herein described alignment, as set forth, not to exceed the requirements for the Project No. 68888, Vineyard Avenue, 143rd Avenue (Estrella Parkway to Indian Springs Road) lying in said Sections Thirty-two (32) and Thirty-three (33), Township One (1) North, Range One (1) West, and Section Four (4), Township One (1) South, Range One (1) West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, the centerline of said segment is described as follows:

Beginning at a point on the West line of said Section 32, which bears N 02°56'00" W, 1140.87 feet, from the West-quarter (W¼) of said Section 32; Thence, along the

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centerline of this segment, N 86°57'27" E, a distance of 989.09 feet to a tangent curve to the right, concave southerly, having a radius of 1000.00 feet and a central angle of 13°31'12"; Thence, easterly, along said curve, a distance of 235.97 feet to a point of tangency; Thence, S 79°31'2" E, a distance of 1102.77 feet to a tangent curve to the left, concave northerly, having a radius of 12000.00 feet, and a central angle of 03°23'49"; Thence, easterly, along said curve, a distance of 711.45 feet, to a point of tangency; Thence, S 82°55'10" E, a distance of 1574.58 feet; to a tangent curve to the left, concave southerly, having a radius of 14000.00 feet, and a central angle of 03°04'08"; Thence, easterly, along said curve, a distance of 749.87 feet, to a point of tangency; Thence S 79°51'02" E, a distance of 1665.76 feet to a tangent curve to the right, concave southwesterly, having a radius of 400 feet, and a central angle of 88°30'50"; Thence, southerly, along said curve, a distance of 617.94 feet, to a point of tangency; Thence, S 08°39'48" W, a distance of 409.94 feet, to a tangent curve to the left, concave northeasterly, having a radius of 1600.00 feet, and a central angle of 37°29'47"; Thence, southeasterly, along said curve, a distance of 1047.10 feet, to a point of tangency; Thence S 28°49'59" E, a distance of 779.07 feet to a tangent curve to the right, concave southwesterly, having a radius of 1000 feet and a central angle of 29°02'37"; Thence, in a southerly direction, along said curve, a distance of 506.91 feet to a point of tangency; Thence, S 00°12'38" W, a distance of 711.48 feet to the terminus of said centerline which bears N 00°48'27" E a distance of 1878.35 feet from the Center of Section 4.

Segment No. 2 Roadway within Sections 4, 3, 2 and 1 in T.1S.,R.1W.

A segment being an alignment with a variable width as set forth, not to exceed the requirements for the Project No. 68888, Vineyard Avenue, 143rd Avenue (Estrella Parkway to Indian Springs Road) and shown in Book 30 of Road Maps, Page 18, Recorded in Maricopa County, Arizona, located in said Sections Four (4), Three (3), Two (2) and One (1), Township One (1) South, Range One (1) West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, the centerline of said segment is described as follows:

Beginning at the point of intersection of the previously described centerline of Segment 1 with centerline of Indian Spring Road as shown in Book 30, of Road Maps 18, Records of Maricopa County, Arizona, Thence, N 89°52'43" E, a distance of 2973.34 feet, along the Westerly prolongation of the North line of Lot 19 and Lot 9, to an angle point No. 1; Thence, N 89°13'34" E, a distance of 4101.35 feet, to angle point No. 2; Thence, N 89°35'14" E, a distance of 6752.47 feet, to the beginning of a curve concave North-Northwesterly, having a radius of 2291.83 feet and a central angle of 30°11'48"; Thence, in an Easterly to Northeasterly direction 1207.87 feet, along said curve to the beginning of a tangent; Thence, N 60°12'58" E, a distance of 309.03 feet, to the beginning of a curve concave Southeasterly, having a radius of 1145.92 feet and a central angle of 30°15'02"; Thence in a Northeasterly to Easterly direction, a distance of 605.01 feet, along said curve to it's Easterly end and the beginning of a tangent; Thence, S89°32'00" E, a distance of 500 feet to the terminus of this Segment and from which point the Northeast corner of said Section 1 bears N 00°28'00" E, a distance of 35.79 feet and S 89°32'00" E, a distance of 2177.43 feet, along said North line of said Section 1.

Segment No. 3 Roadway within Sections 1 in T.1S.,R.1W. and in Sections 36 in T.1N.,R.1W. and Section 31, T.1N.,R.1E.

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A roadway of a width consistent with the right-of-way and all appurtenant rights, lying within Sections One (1), Township One (1) South, Range One (1) West, Section Thirty-six (36), Township One (1) North, Range One (1) West and Section Thirty-one (31), Township One (1) North, Range One (1) East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, as described in the Resolution for Road File No. 4958, Recorded in 1997-0212073, of Maricopa County, Arizona, whose center line is described as follows:

COMMENCING at the Southwest corner of Section 36; THENCE S 00°19'13" E along a line parallel with the West line of said Section 1, said parallel line being also the centerline of El Mirage Road a distance of 652.52 feet, to the TRUE POINT OF BEGINNING; THENCE S 89°29'01"E, a distance of 400.78 feet, to a point of curvature of a 2296.59 foot radius curve to the left; THENCE, 1210.37 feet, along the arc of said curve, through a central angle of 30°11'48" to a point of tangency; THENCE, N 60°19'11" E, a distance of 307.20 feet, to a point of curvature of a 1410.76 foot radius curve to the right; THENCE, 744.84 feet, along the arc of said curve, through a central angle of 30°15'02" to a point of tangency; THENCE, S 89°25'47" E, a distance of 462.06 feet, to a point of curvature of a 1148.29 foot radius curve to the left; THENCE, 1436.69 feet, along the arc of said curve, through a central angle of 71°41'09" to a point of tangency; THENCE, N 18°53'04" E, a distance of 2699.94 feet, to a point of curvature of a 1902.89 foot radius curve to the left; THENCE, 631.02 feet, along the arc of said curve, through a central angle of 19°00'00" to a point of tangency on the East line of said Section 36; THENCE, N 00°06'56" W, along said East line a distance of 1324.88 feet, to the Northeast corner of said Section 36 and the terminus of the above described centerline.

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in the Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

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BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 4th day of May 2005.

ROAD ABANDONMENT (ROAD FILE NO. AB-107)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) that the following resolution be adopted: (C6405219500)

WHEREAS, pursuant to ARS §28-6701 and 28-7202 et seq., it appears to the Board that the abandonment of the following-described property may be effected without damage to the public or adjacent landowners:

A portion of Cloud Road as shown in "Chandler Mesa Ranches, according to Book 106 of Maps, page 35, Maricopa County Records (Bk 106, pg 35, MCR) which is a subdivision of the East half of Section 25, Township 2 South, Range 6 East, of the Gila and Salt River Baseline and Meridian, Maricopa County, Arizona; said portion being more particularly described as follows:

That 60 feet wide portion of the existing Right-of-Way according to said subdivision lying North of the West half of Lot 2 AND South of the West half of Lot 7, Bk 106, pg 35, MCR. Said abandonment being a portion of Cloud Road Lying North of the West half of Lot 2 AND South of the West half of Lot 7, as shown in Book 106, page 35, MCR.

WHEREAS, the Board believing that the granting of said petition requesting abandonment is in the best interests of Maricopa County; and

WHEREAS, the County Engineer of Maricopa County, Arizona, has recommended the abandonment be approved; NOW, THEREFORE,

IT IS ORDERED that the above-described property be abandoned, subject to existing easements if any, and no rights or privileges to public utilities are affected by this abandonment, and the County Engineer is hereby directed to make a plat of the survey of same and cause it to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

DATED this 4th day of May 2005.

This item continued from April 6, 2005 and April 20, 2005.

PUBLIC HEARING – RIGHT-OF-WAY AND EASEMENTS AT ESTRELLA MOUNTAIN REGIONAL PARK

Chairman Wilson called for a public hearing on a request for right of way, drainage easements, a slope easement and temporary construction easement across portions of Estrella Mountain Regional Park by the Maricopa County Department of Transportation. This was a request made to the Maricopa County Parks and Recreation Commission on February 15, 2005, with a determination to forward the request to the Board of Supervisors with no recommendation.

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Supervisor Wilcox asked for a presentation from staff to brief the Board on this project before the speakers came forward to speak.

Mike Gallagher, Director of Public Works, spoke of the easement project. Mr. Gallagher said that the easement would allow for construction of Vineyard road which is the access road to Phoenix International Raceway (PIR), this project is necessary for additional right-of-way within the park, which would ease the flow of traffic in and out of the park. He also noted that the time on this construction project is very limited due to upcoming events at PIR. Mr. Gallagher said that many designs were considered and went with the design that would have the least impact on the park. A financial agreement was reached with Parks to split the difference. Mr. Gallagher concluded by introducing the MCDOT design team to answer any technical questions, Amy Jones and Samir Hatab, professional engineers.

Mr. Gallagher presented a map per Supervisor Wilcox's request that showed the design plan and area of construction. Mr. Gallagher pointed out some unresolved safety issues with the current crosswalk to the river. He also indicated that there will be some advantages to the park; during PIR events the road will help ease the traffic in and out of the park. Mr. Gallagher informed that they are currently working with Flood Control on an experiment with the El Rio site for possible future road access. It was also reported that the current width of Vineyard Road is a two-lane road and will be expanded to four-lane road with a painted median. The road can be reversed at high volume times.

Don King, citizen, came forward to speak in opposition. Mr. King addressed some issues he felt citizens need to be concerned about such as; reduction of the park by 40 feet, no provisions for traffic control at Estrella Pkwy and Vineyard, the affect on archaeological sites, and the need to preserve the park and keep it natural by planting more native plants.

Linda Butler, citizen came forward to speak in opposition. Ms. Butler said she does not agree that this road should be widened until safety issues are resolved. Ms. Butler spoke on the following safety issues; speeding, the unsafe intersection at Vineyard and Estrella, and the need for a crosswalk to access the river from the park. Ms. Butler said she believes that the money from the 18 acres of land to be sold needs to be invested back into the park.

Chairman Wilson assured the speakers that the Board does not or will not take money from the park funds.

Chris Kurtz, vice chairman for the citizens of Estrella Mountain Park, came forward to speak in opposition. Mr. Kurtz voiced his opinion and said that this road construction would not benefit the citizens it would only benefit PIR. Mr. Mr. Kurtz echoed the safety issues from the previous speakers.

Rochelle Gribler, citizen, came forward to speak in opposition and also voiced her concerns about the traffic during PIR events, road safety issues, protection of the petroglyphs and the affect on pedestrians during and after construction. She also asked that funds be returned to the park for repair and maintenance. She also proposed an underpass, to allow pedestrians access to the river and petroglyphs without crossing in the roadway.

Laurel Arndt, Maricopa County Parks Board, came forward to speak in opposition. Ms. Arndt spoke of the unsafe intersection between Estrella and Vineyard. She agreed that PIR should carry some of the cost for this project and echoed previous speakers on the safety issues and re-design of the road. She also recommended the idea of an underpass and asked that her recommendations and concerns be taken into consideration.

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Supervisor Kunasek said he agreed with the speakers that funds from the sale should be restricted to the park. Bill Scalzo, Director of Parks and Recreation, reported that the offer received was for \$315,000 enough money to improve the park's irrigation system and that 26-28 acres would be impacted for temporary and permanent easement.

Michael Ellegood, Department of Transportation, commented on the protection of the petroglyphs and archaeological sites. Mr. Ellegood said that a full time archaeologist would be on site and a fence would be built to keep these areas safe during construction.

Discussion on the proposed underpass as an option for a crosswalk and the safety of the road ensued. Mr. Scalzo explained that an underpass would be expensive and not very practical; digging down would result in flooding issues. Mr. Scalzo said an overpass would be more practical and would provide more safety for pedestrians and horses.

Discussion ensued as to the safety of the road. It was indicated that the road will be designed in full accordance with MC DOT specifications. It was also acknowledged that speeding was a major problem and other ideas would be explored to address the speeding issue.

Supervisor Wilcox took the opportunity to thank the speakers and said that she appreciated all the comments. She assured the speakers that the money from the sale of land would be invested back into the park and that the petroglyphs would be protected during construction. Supervisor Wilcox also indicated that the new roads would not be used solely for PIR traffic.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley and unanimously carried (4-0-1) to approve the request for right of way, drainage easements, a slope easement and temporary construction easement and amend the action to include a six-month review upon completion of the project for possible improvements and to stipulate the money received from the sale of land will be dedicated to Estrella Mountain Regional Park.
(C3005029M00) (ADM3224)

RETROACTIVE PAY FOR APPRAISERS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve a waiver of Section VI.A. of the Maricopa County Compensation Plan for the retroactive pay of three Appraisers in the amount of \$2,400: (C1205002M00) (ADM3308-001)

Sherry Morrison Janice Lunceford Danny Clouse

FILING OF PROPERTY TAX APPEAL - POTOMAC HOTEL

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the filing of a property tax appeal to the Court of Appeals in the matter of Potomac Hotel v. Maricopa County, TX2001-000531 (consolidated). This action was discussed in Executive Session on April 18, 2005. (C1905034000) (ADM413-001)

FILING LAWSUIT ON PLANNING & DEVELOPMENT ENFORCEMENT CASES - STOLIKER AND DIXON

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the filing of a lawsuit on two Planning & Development Code Enforcement Cases: Stoliker

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(ADM3417-027) and Dixon (ADM3417-026). These cases were discussed in Executive Session on April 18, 2005. (C1905035M00)

INCREASE IN GRANT FUNDING FOR PURCHASE OF ACU-1000 ENHANCEMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve acceptance of an increase of \$29,123.91 in grant funding from the U.S. Department of Homeland Security, Office for Domestic Preparedness, with the Arizona Division of Emergency Management (ADEM) passed through the Maricopa County Department of Emergency Management on behalf of the Maricopa County Sheriff's Office, from \$274,816.00 to \$303,939.91, Grant Number 2003-MU-T3-0034. This is advanced funding for the purchase of ACU-1000 Enhancements. The Sheriff's Office indirect cost rate for FY 2004-05 is 14%. The unrecoverable indirect cost associated with this funding is estimated to be \$4,077.35. The term of this funding is through July 31, 2005. (C5004502302)

AMENDMENT TO VEHICLE USE AGREEMENT WITH NICB

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Amendment #2 to the Vehicle Use Agreement between the National Insurance Crime Bureau (NICB) and the Maricopa County Sheriff's Office, extending the term of the agreement an additional 365 days. This vehicle will be leased for \$1.00 for the term of the extension. The original term of the agreement is 365 days after the Board of Supervisors' approval, which was July 7, 2004. (C5004551402)

TEMPORARY ADDITION TO THE FLEET AND EXEMPTION FROM MARKINGS AND ISSUANCE OF NON-GOVERNMENTAL PLATES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve a one-time addition to the fleet of one 2005, 2-wheel drive Ford Expedition, to be purchased for \$29,000, with Jail Enhancement Funds for use in the Sheriff's Office Animal Safe Hospice (MASH). MASH allows sentenced jail inmates, many of who are Alpha program participants, to care for animals that have been seized as evidence in animal cruelty cases. This vehicle has an enclosed cargo area to protect sick or injured animals from the elements and will be ideal for picking up and delivering donations and supplies to MASH locations. Approve an exemption from markings and issuance of regular license plates since this vehicle would be used for animal cruelty investigations. This vehicle will be in service until the end of its useful life with no funding from the county's vehicle replacement fund for its replacement. Estimated annual operating costs are \$3,500 and will be covered in the Sheriff's Office budget. (C5005060M00) (ADM3104V)

TEMPORARY ADDITION TO THE FLEET AND EXEMPTION FROM MARKINGS AND ISSUANCE OF NON-GOVERNMENTAL PLATES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve a one-time addition to the Sheriff's Office fleet of a red-lined vehicle (#11844) that is functional, but is being replaced due to high mileage. Also approve an exemption from Sheriff's Office markings and the issuance of non-governmental plates. If approved, special commercial markings will be placed on this vehicle so that it can be used by the Auto Theft Unit in a deep undercover capacity for surveillance. This will not be a take-home vehicle. The estimated cost per mile for this vehicle is \$.34, with estimated annual usage of 4,000 miles and an estimated annual operating expense of \$1,360.00. Expenses associated with the operation of this vehicle will come from existing Sheriff's Office budgeted

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funds. This is a one-time addition to fleet that will be removed from service at the end of its useful life, with no vehicle replacement. (C5005061M00) (ADM3104V)

APPLY AND ACCEPT GRANT FROM GILA RIVER INDIAN COMMUNITY FOR KIDS VOTING ARIZONA

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to authorize the Maricopa County Manager's Office to apply to the Gila River Indian Community for Proposition 202 Indian Gaming Funds in the amount of \$45,000 in FY 2004-05, \$35,000 in FY 2005-06, and \$30,000 in FY 2006-07 for a three-year total of \$110,000. The motion also authorized the Chairman to sign the grant application; approve the grant funds if awarded; and authorize the pass-through of these funds to Kids Voting Arizona, a non-profit organization. This action will require an appropriation adjustment, increasing the General Government Grant Fund (249) FY 2004-05 revenue and expenditure budgets by \$45,000. The FY 2005-06 and FY 2006-07 grant budgets will be budgeted for accordingly. Maricopa County will act as the pass-through agency for Kids Voting Arizona and will pass-through the entire amount of the grant over the three fiscal years. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation; therefore, expenditure of these revenues is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. The grant award period is from the date of award to June 30, 2006. (C2005013300)

RESOLUTION

A RESOLUTION OF THE CHAIRMAN AND BOARD OF SUPERVISORS OF MARICOPA COUNTY, MARICOPA COUNTY, ARIZONA AUTHORIZING THE SUBMITTAL OF A GRANT REQUEST LETTER FOR FUNDING FOR KIDS VOTING ARIZONA TRIBAL ELECTIONS CONNECTION PROGRAM TO THE GILA RIVER INDIAN COMMUNITY, AUTHORIZING ACCEPTANCE OF FUNDS GRANTED AND AUTHORIZING THE EXECUTION OF SAID APPLICATION.

Be It Resolved By The Chairman And Board Of Supervisors Of Maricopa County, Maricopa, Arizona As Follows:

Section 1. The Maricopa County Manager's Office is hereby authorized to submit a Grant Request letter(s) to the Gila River Indian Community for Proposition 202 Indian Gaming Funds in the amount of \$45,000 in FY 2004-05, \$35,000 for FY2005-06, and \$30,000 for FY 2006-07 for a total of \$110,000.

Section 2. The Maricopa County Manager's Office is hereby authorized to accept grant funds from the Gila River Indian Community and to pass-through these funds to Kids Voting Arizona, a non-profit organization.

Section 3. The Chairman of the Maricopa County Board of Supervisors is hereby authorized to execute said grant letter(s)/application(s), and necessary acceptance documentation.

PASSED AND ADOPTED this 4th day of May 2005, by Maricopa County Board of Supervisors, Maricopa County, Arizona.

/s/ Max W. Wilson, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

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IGA WITH CITY OF PHOENIX FOR VIDEO PRODUCTION STUDIO USE/EQUIPMENT AND FUND TRANSFER

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to:

- Approve an Intergovernmental Agreement (IGA) between Maricopa County and the City of Phoenix, effective October 18, 2004 through June 30, 2006, for use of the city's video production studio, located at 140 N. Third Avenue, Phoenix, Arizona, and all of the equipment contained therein. The studio will be used to produce video programs.
- Approve, in accordance with A.R.S. §42-17106B, an expenditure and transfer of \$35,224 from FY 2004-05 General Government (470) General Fund (100) General Contingency (4711) fund to the Office of Communications (710) General Fund (100). This action will require an appropriation adjustment increasing the Office of Communications' FY 2004-05 expenditure budget by \$35,224 and reducing General Government General Fund Reserved Contingency by the same amount for a net countywide impact of zero. With approval of this item, the FY 2005-06 budget for the Office of Communications (County Manager's Office) will be increased by \$49,728, the annualized cost. (C2005014200)

CONTRACT WITH MEDPRO FOR PROFESSIONAL MEDICAL SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a personal services contract between Maricopa County (d.b.a. Maricopa County Health Care Mandates and Maricopa County Correctional Health Services) and Medical Professional Associates of Arizona, P.C. d.b.a. MedPro. This contract is for professional medical services, as authorized by county designees, including inmates authorized by Correctional Health Services and patients who are not inmates as authorized by Health Care Mandates. The effective date of this contract shall be from Board of Supervisors' approval until June 30, 2007. Maricopa County may, in its sole and exclusive discretion, extend this contract for additional renewal periods not to exceed a total term of five years from the effective date. Either party may terminate for convenience by providing written notice of 90 calendar days to the other party. (C3905033100)

PERSONNEL AGENDAS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. Exhibits A and B will be found at the end of this set of minutes.

AMENDMENT TO EMPLOYEE MERIT SYSTEM RULE 10.05

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an amendment to Employee Merit System Rule 10.05 to change the time required to schedule the commencement of a hearing from 20 calendar days to 20 business days. (C3105009600) (ADM3330)

AGREEMENT WITH JOHN C. LINCOLN HEALTH NETWORK FOR STUDENT INTERN NUTRITIONAL EXPERIENCE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve and sign the renewal of a non-financial agreement between Maricopa County, through its

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Department of Public Health, and John C. Lincoln Health Network, to provide nutritional experience for graduate students in the department's Dietetic Internship Program. The agreement term is from January 1, 2005 through December 31, 2006. (C8603049001)

AGREEMENT WITH BANNER HEALTH ARIZONA FOR STUDENT INTERNSHIPS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve and sign a non-financial agreement between Maricopa County, through its Department of Public Health, and Banner Health Arizona, to provide clinical pediatric dietetic experience for graduate students in the dietetic internship. The agreement is non-financial, and the term is from the date of Board of Supervisors' approval through June 30, 2009. (C8605906000)

RESOLUTION TO APPLY FOR GRANT WITH GOHS FOR CAR SEATS AND EDUCATION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to:

- Approve a resolution to the Governor's Office of Highway Safety to apply for a grant and accept funds if awarded in the amount of \$69,219 in support of Arizona's 2006 Highway Safety Plan. The grant will provide car seats and education to low-income families within Maricopa County. The grant award period will be October 1, 2005 through September 30, 2006. The grantee has stipulated in the solicitation that indirect costs are non-allowable. The Public Health Department's indirect rate is 16.6%. Grant indirect costs are reimbursable at a rate of 0%. Full indirect costs are estimated at \$11,497 of which \$0 is recoverable and \$11,497 is unrecoverable. The grantor will provide reimbursement funding for the grant.
- Approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 861, Fund 532) associated with the grant in an amount not-to-exceed \$69,219. The appropriations adjustment is necessary because these funds were not included in the FY 2005-06 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation; therefore, expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8606001300)

RESOLUTION

WHEREAS, the Governor's Office of Highway Safety is seeking proposals from state and local agencies for projects relating to all aspects of highway safety; and

WHEREAS, the County of Maricopa, through the Department of Public Health, is interested in submitting projects to be considered for funding in the form of reimbursable grants from the National Highway Traffic Safety Administration;

NOW, THEREFORE, BE IT RESOLVED by the Board Supervisors of the County of Maricopa, Arizona as follows:

1. THAT approval of the submission of the projects for consideration in Arizona's 2006 Highway Safety Plan is granted.

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2. THAT the Department of Public Health is appointed agent for the County of Maricopa to conduct all negotiations and to execute and submit all documents and any other necessary or desirable instruments in connection with such grant.

DATED this 4th day of May, 2005.

/s/ Max W. Wilson, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

EMPLOYEE WELLNESS INCENTIVE AWARD

As an initiative of the Employee Benefit Program for calendar year 2005, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a Wellness Incentive Award for a \$10 American Express Gift Card for completion of a health risk assessment. The gift card would be offered to each employee and/or spouse who is covered under one of the Maricopa County employee medical insurance plans and who completes a health risk assessment. Through this assessment, the employee and/or spouse will learn what is needed to get better control of their health and well-being. The estimated cost associated with this incentive is approximately \$40,000 for FY 2004-05 and FY 2005-06, based on 20 percent participation. The expense will be paid from the wellness premium revenue, which is part of the total medical insurance premium. (C3505020M00) (ADM3344)

FIVE-YEAR CONSOLIDATED PLANS AND RESOLUTION

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve these actions regarding the federal Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME)/American Dream Downpayment Initiative (ADDI), Emergency Shelter Grant (ESG), and Highway User Revenue Fund (HURF) Funds. No general funds will be involved in this action. (C1706001000) (ADM1500)

- a. Adopt a resolution for the submission of the FY 2005-2009 Five-Year Consolidated Plans, including:
 - i. Analysis of Impediments to Fair Housing Choice;
 - ii. Citizens Participation Plan;
 - iii. FY 2005-06 Annual Action Plans, including any plan amendments;
 - iv. Acceptance of CDBG, HOME/ADDI, ESG, and HURF funding for FY 2005-06 of \$9,882,874 (CDBG: \$3,492,711, HOME/ADDI: \$6,016,460, ESG: \$120,925, and HURF: \$252,778). The ESG funds will be administered by the Maricopa County Human Services Department. The HURF funds will be administered by the Maricopa County Department of Transportation.
- b. Approve the Maricopa HOME Consortium and the Maricopa Urban County Annual Action Plans for July 1, 2005 through June 30, 2006. The Annual Action Plans contain specific projects for funding to implement the FY 2005-2009 Five-Year Consolidated Plan. FY 2005-06 is year one of five under the Five-Year Consolidated Plan.

Funding Summary

- a. Total Urban County CDBG Grant: \$3,492,711

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- i. Urban County CDBG Allocation: \$3,213,555
- ii. Urban County CDBG Contingency: \$279,156

- b. Total HOME Consortium Grants: \$6,016,460
 - i. Consortium City/Town Share HOME/ADDI Funds: \$3,917,733
 - ii. Maricopa County Share HOME/ADDI Funds (includes \$33,393 of prior year ADDI funds): \$1,235,472
 - iii. Consortium CHDO Share HOME Funds: \$863,255

- c. Total Urban County ESG Grant: \$120,925
Subtotal FY 2004-05 HUD Allocations: \$9,630,096

- d. Total HURF Funds = \$252,778

RESOLUTION

REGARDING FY 2005-2009 FIVE-YEAR CONSOLIDATED PLANS, CITIZENS PARTICIPATION PLAN, FY 2005-2006 ANNUAL ACTION PLANS, AND ANNUAL FUNDING RECOMMENDATIONS FOR FY2005-2006 (07/01/05 – 06/30/06) FOR \$9,882,874.

WHEREAS, the Maricopa County Community Development Department will administer the Community Development Block Grant (CDBG) in the amount of \$3,492,711; and

WHEREAS, the Maricopa County Community Development Advisory Committee (CDAC) and all the participating Urban County cities/towns have conducted public forums and public hearings in order to obtain input into defining the priority non-housing community development needs and strategies, and to obtain input from Maricopa County residents regarding allocation of the FY 2005 CDBG and HOME Funds (Program Year XXVIII); and

WHEREAS, the Maricopa HOME Consortium has been formed with the Maricopa County Community Development Department as lead agency for the purpose of accessing federal HOME Investment Partnerships Program (HOME) funds, including American Dream Downpayment Initiative Funds (ADDI), in the amount of \$6,016,460; and

WHEREAS, Maricopa County and all member cities/town of the Maricopa HOME Consortium have conducted numerous public forums to obtain input into defining the priority housing development needs and strategies; and

WHEREAS, the Maricopa County Human Services Department will administer the Emergency Shelter Grant (ESG) for Maricopa County serving the Maricopa HOME Consortium service area in the amount of \$120,925; and

WHEREAS, Maricopa County Department of Transportation (MCDOT) will administer \$252,778 for an Urban County street improvement activity;

THEREFORE, BE IT RESOLVED THAT THE MARICOPA COUNTY BOARD OF SUPERVISORS does approve the FY 2005-2009 Maricopa HOME Consortium Consolidated Plan, Citizens Participation Plan, and FY 2005 Annual Action Plan, including any plan amendments; and the FY 2005-2009 Urban Maricopa County Five-Year Consolidated Plan and FY 2005 Annual Action Plan, including any plan

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amendments; appoints the County Manager or his designee as the certifying representative of the County according to the requirements of the U.S. Department of Housing and Urban Development; authorizes the certifying representative to submit the referenced plans to HUD through the Maricopa County Community Development Department; and authorizes the certifying representative to accept CDBG, HOME, and ESG funds on behalf of the County.

DATED this 4th day of May 2005.

/s/ Max W. Wilson, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Enclosures: Attachments A, B, and C

Attachment A

**FY2005-2006 MARICOPA URBAN COUNTY
FUNDING ALLOCATIONS**

A variety of projects are proposed for FY 2005-2006 funding in the Maricopa Urban County region, with about \$3,492,711 in anticipated Community Development Block Grant (CDBG) resources, \$1,235,472 in HOME Investment Partnerships Program resources (including American Dream Downpayment Initiative (ADDI) resources), and \$252,778 in HURF resources. CDBG, HOME, and HURF resources are allocated by the Maricopa County Community Development Advisory Committee (CDAC). ESG resources of \$120,925 will be allocated by the Maricopa County Human Services Department.

CDBG funds are anticipated to be committed to the following activities:

Administration	\$ 642,711
Countywide (Human Services Campus/MCAO)	200,000
Avondale (Sidewalks Phase II)	340,000
Buckeye (Waterline Improvements)	400,000
El Mirage (Water Improvements I)	500,000
Gila Bend (Water Tank)	450,000
Guadalupe (Sende Vista Neighborhood Sidewalks)	190,000
Surprise (Gaines Park Expansion)	190,000
Tolleson (Multipurpose Park)	290,000
Youngtown (Street Lighting)	290,000
CDBG Subtotal:	<u>\$ 3,492,711</u>

HOME funds are anticipated to be committed to the following activities:

Administration	\$ 255,657
El Mirage (Housing Rehabilitation)	280,000
Goodyear (Housing Rehabilitation)	60,000
Guadalupe (Single Family New Construction)	259,815
Surprise (Housing Rehabilitation)	300,000

ADDI funds are anticipated to be committed to the following activity:

Queen Creek (First Time Homebuyer Program)*	<u>80,000</u>
HOME Subtotal:	<u>\$ 1,235,472</u>
Urban County CDBG/HOME Total:	<u><u>\$ 4,728,183</u></u>

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ESG funds are anticipated to be committed by Maricopa County Human Services:

ESG Total: \$ 120,925

HURF funds are anticipated to be committed to the following activity:

Wickenburg (Street and Sidewalk Improvements)	\$ 252,778
HURF Total:	\$ <u>252,778</u>

Specific awards to each entity are subject to modification up to and including 10%, pursuant to procedures set forth in each respective IGA or agreement. Unspent CDBG dollars are returned to CDBG contingency upon completion of project. Unencumbered or unspent HOME dollars are reallocated as set forth in each respective IGA or Agreement.

Definitions:

- ESG – Emergency Shelter Grant
- HOME – HOME Investment Partnerships Program
- CDBG – Community Development Block Grant
- CHDO – Community Housing Development Organization
- CDAC – Community Development Advisory Committee
- UC – Urban County
- ADDI – American Dream Downpayment Initiative

* includes \$33,393 of prior year funds

Attachment B

**FY2005-2006 MARICOPA HOME CONSORTIUM
HOME CITY/TOWN SHARE**

In FY 2005-2006, a significant portion of the federal HOME Investment Partnerships Program (HOME) resources (including the American Dream Downpayment Initiative Program (ADDI) funds) and Community Development Block Grant (CDBG) resources used by City/Town Consortium members for affordable housing are anticipated to be expended on housing rehabilitation in targeted geographic areas, for homebuyer assistance and for activities to increase the supply of affordable rental housing in the region.

The anticipated \$3,917,733 in federal FY2005 HOME resources anticipated to be available to City/Town Consortium members will be distributed in the following manner:

	<u>HOME</u>	<u>ADDI</u>	<u>TOTAL</u>
Chandler	\$ 460,978	\$ 22,384	\$ 483,362
Gilbert	197,361	9,584	206,945
Glendale	754,690	36,647	791,337
Mesa	1,166,266	56,632	1,222,898
Peoria	218,880	10,628	229,508
Scottsdale	392,946	19,081	412,027
Tempe	545,183	26,473	571,656
HOME Subtotal	\$ 3,736,304	\$ 181,429	\$3,917,733

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ATTACHMENT C

**MARICOPA HOME CONSORTIUM
CHDO SHARE (PROJECTS)**

FY2005-2006 ALLOCATION - \$863,255

<u>Organization</u>	<u>Project Description</u>	<u>Funding Recommended</u>
Community Services of Arizona (CSA)	Rental Activity. Acquisition and rehab of at least 8 units of affordable rental housing in Scottsdale.	\$384,255
Housing for Mesa (HFM)	Homebuyer Activity. Acquisition/Rehab of 10 homes for low-income buyers in Mesa, Chandler, and County Islands within Mesa city limits.	227,000
Newtown Community Development Corp.	Homebuyer Activity. Acquisition/Rehab of 5 homes for low-income buyers in Tempe.	252,000
TOTALS		\$863,255

Definition: CHDO – Community Housing Development Organization

NOTE: 15% of gross allocation must be set aside for CHDO Projects. Projects can be anywhere in the Consortium service area.

COMMUNITY DEVELOPMENT BLOCK GRANT - AGREEMENTS, BIDS, AWARD AND REPAYMENT

Item: Approve these actions regarding the Community Development Block Grant (CDBG). Funding is contingent upon the approval of both the federal government and Maricopa County FY 2005-06 budgets. No general funds will be involved in this action:

- a. Execute agreements with each city/town/agency selected to receive CDBG funds.
- b. Perform actions in accordance with the Maricopa County Procurement Code to:
 - i. Retain consultants for design and/or management of activities;
 - ii. Approve plans and specifications, and authorize call for bids; and
 - iii. Prepare contracts for award to lowest responsible bidders.
- c. Approve necessary repayment documents including, but not limited to, promissory notes, deeds of trust, forgivable loan agreements, deed restrictions, satisfaction of loan documents and other documents as may be necessary to implement the approved projects. Funding to be from CDBG under the terms and conditions of the executed agreements. (C17060022ZZ)

Supervisor Wilcox recommended an increase of \$100,000 to the Community Development Block Grant (CDBG) which would bring the CDBG allotment to \$300,000. Ms. Wilcox indicated that the funds would

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come from the contingency fund and would not impede with any other amount funded for other projects. This increase in funds would help Nova Safe Haven move forward in completing the campus project.

Supervisor Stapley said he was not prepared to vote on this change, he would like more information on this item before making any decisions.

The Supervisors agreed to continue this item and bring back the \$ 100,000 increase request in two weeks; this would give the Supervisors time to further review the request.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve these actions regarding the Community Development Block Grant (CDBG). Funding is contingent upon the approval of both the federal government and Maricopa County FY 2005-06 budgets. No general funds will be involved in this action:

HOME INVESTMENT PARTNERSHIPS PROGRAM - AGREEMENTS, BIDS, AWARD AND REPAYMENT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve these actions regarding the HOME Investment Partnerships Program (HOME). Funding is contingent upon the approval of both the federal government and Maricopa County FY 2005-06 budgets. No general funds will be involved in this action.

- a. Execute agreements with each city/town/community Housing Development Organization (CHDO) selected to receive HOME funds.
- b. Perform actions in accordance with the Maricopa County Procurement Code to:
 - i. Retain consultants for design and/or management of activities;
 - ii. Approve plans and specifications and authorize call for bids; and,
 - iii. Prepare contracts for award to lowest responsible bidders.
- c. Approve necessary repayment documents including, but not limited to, promissory notes, deeds of trust, forgivable loan agreements, deed restrictions, satisfaction of loan documents and other documents as may be necessary to implement the approved projects. Funding to be from HOME under the terms and conditions of the executed agreements. (C17060182ZZ)

CONTRACT WITH INTERFACE TECHNICAL TRAINING, INC. FOR TRAINING AND FACILITATOR SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the contract between Interface Technical Training, Inc., and the Maricopa County Human Services Department, Workforce Development Division, to provide training and facilitator services for clients of the Workforce Investment Act. The contract is in the amount of \$25,000, and the term of the contract is from April 1, 2005 to June 30, 2006. There are no county general funds involved with this contract. (C2205150100)

DONATION

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the receipt by the Human Services Special Transportation Program of a cash donation of

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\$504.72 from Community Services of Arizona, Inc. The funds donated will be used to cover the cost of transportation to a special event for 18 senior citizens from the Gilbert Community Center. Donation funds are not "local revenues" for the purpose of the budget law. (C2205153M00) (ADM2500)

APPLY AND ACCEPT GRANTS FOR SPECIAL TRANSPORTATION SYSTEM PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to authorize the Maricopa County Human Services Department Special Transportation Services Program to submit 28 funding applications to various federal, state and private sector sources. Authorize the Chairman to approve the receipt of all such funds awarded during FY 2005-06 as a result of the corresponding grant requests. Unless otherwise indicated, all overhead/indirect costs are allowable and the FY 2005-06 authorized rate will be applied to the respective grants. A Grant Agenda Indirect Cost Calculation Form, attached to each Notice-of-Intent, provides detail on indirect cost recovery. The funding requested will not exceed \$6,533,000 in total. In preparing this request, the department used the current approved FY 2004-05 rate of 17.6% rate for computation purposes. Once the FY 2005-06 rate has been approved, the department will apply the new FY 2005-06 rate to all the computations. The department's FY 2004-05 authorized indirect cost rate of 17.6% was applied, and total estimated indirect costs are \$782,998. (C22060403ZZ)

FUNDS TRANSFER FOR MEDICAL EXAMINER FOR FOUR FULL TIME STAFF

In accordance with A.R.S. §42-17106, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to:

- Approve and authorize the transfer of \$16,440 in expenditure authority (annualized impact \$175,416) from General Government (470), General Fund (100) General Contingency (4711) to Medical Examiner (Department 290) General Fund (100) to allow the Medical Examiner to hire four full-time staff to reduce backlog and delays in case disposition. This action will require an appropriation adjustment reducing the General Government, General Fund expenditure appropriation by \$16,440 and increasing the Medical Examiner, General Fund appropriation by \$16,440 for a countywide net impact of zero.
- Approve and authorize, in accordance with A.R.S. §42-17106, the Office of Management and Budget to make an appropriation adjustment at the end of FY 2004-05 for an amount not-to-exceed \$100,000 from General Government (470), General Fund (100) General Contingency (4711) to Medical Examiner (Department 290) General Fund (100) for a countywide net impact of zero. Approval of this action will assist the department's projected cost overruns due to backlog and timeliness issues for case disposition. This action will require an appropriation adjustment at the end of FY 2004-05 reducing the General Government, General Fund expenditure appropriation by an amount not-to-exceed \$100,000, and increasing the Medical Examiner, General Fund appropriation by an amount not-to-exceed \$100,000, for a countywide net impact of zero. (C2905011800)

ARIZONA STATE LAND DEPARTMENT ADVERTISEMENT FOR PUBLIC AUCTION

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to authorize the Maricopa County Parks and Recreation Department to spend \$1,000 for the Arizona State Land Department estimated advertising for a public auction. The acquisition of this right-of-way will allow for development of the Maricopa Trail. The application is for state land located east of White Tank Mountain Regional Park and connecting to the southwestern most portion of McMicken Dam, also

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referred to as Segment 10 at Waterfall Wash. On July 2, 2003, the Board approved agenda item C3003028B00 and the application expense of \$200. In conjunction with this, \$1,000 is needed for the Arizona State Land Department advertising fees. These are reimbursable if the bid is not successful. (C3005037B00) (ADM3205)

CIP PROJECT - MARICOPA COUNTY REGIONAL TRAIL SYSTEM AND FUNDS TRANSFER

Pursuant to A.R.S. §42-17106B, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to:

- Approve the creation of a new Capital Improvement Project entitled "Maricopa County Regional Trail System" in the General Fund County Improvements Fund (445), General Government Department (470), Org (4713), Function Class (MRTS).
- Approve a fund transfer in the amount of \$1,000,000 from Appropriated Fund Balance, Reserved Items (Fund 100; Dept 480; Org 4811) to the General Fund County Improvements Fund (445), General Government Department (470), Org (4713), Function Class (MRTS). This action will require appropriation adjustments increasing the Capital Improvement Fund (445), and decreasing the Appropriated Fund Balance, Fund (100) revenue and expenditure budgets by \$1,000,000, with offsetting adjustments to Eliminations (Department 980, Fund 900). These actions will have a countywide net impact of zero. (C3005040800) (ADM3200-003)

IGA WITH CITY OF MESA FOR ANIMAL SHELTER SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to:

- Retroactively approve an Intergovernmental Agreement (IGA) between the City of Mesa and Maricopa County Animal Care & Control (AC&C). Under the Agreement, ACC provides the City of Mesa with animal shelter services. The city agrees to pay for shelter services, plus additional costs incurred for court ordered animal holds, impounded feral cats, and any animal other than a dog or cat as determined in the contract. The term of agreement is from July 1, 2004 through June 30, 2005.
- Approve an expenditure and revenue appropriation adjustment of \$62,899.53 for FY 2004-05. IGA revenue is not local revenue for the purpose of the constitutional expenditure limitation; hence this budget adjustment would not alter the budget constraining the expenditure of local revenues. (C7905088200) (Addendum item A-2)

FUND TRANSFERS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference. (ADM2170)

SOLICITATION SERIALS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the following solicitation serial items. The action on the following items is subject to County

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Counsel's review and approval of the respective contracts and subsequent execution of contracts.
(ADM3005)

Award of Solicitation Serials

- 04216-C Refrigeration Equipment Maintenance and Repair** (\$950,000 estimate/four years with two one-year renewal options). Pricing agreement to provide for repair, maintenance, installation, and retrofit on refrigeration equipment located at the Maricopa County jail kitchens and the Forensic Science Center.
- Andrew's Refrigeration
 - Integrated Mechanical Service
- 05001-C Redi-Mix Concrete** (\$1,000,000 estimate/three years with three one-year renewal options). Price agreement for the purchase of Redi-Mix Concrete for use by Flood Control and Maricopa County Department of Transportation.
- Maccaferri, Inc.
 - Vulcan Materials
- 05004-C Propane Gas Purchase and Delivery** (\$313,500 estimate/three years with one three-year renewal option). Price agreement for the purchase and delivery of propane gas to multiple county locations.
- Ferrellgas LP
- 05037-S Installation of Paint Stripes and Markings, Thermoplastic Stripes and Markings, and Raised Pavement Markers** (\$1,500,000 estimate/three years with one three-year renewal option). Price agreement for installation of roadway stripes and markings, thermoplastic stripes and markings and raised pavement markers as requested by the Maricopa County Department of Transportation.
- Road Markings, Inc.

DISPOSAL AND RECYCLING OF COUNTY SURPLUS COMPUTER EQUIPMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve, through the end of the current fiscal year, shipments for the secure disposal and recycling of county surplus computer equipment under the intergovernmental cooperative purchasing agreement between Maricopa County and UNICOR Federal Prison Facilities, Inc. Disposal and recycling will be accomplished by means of periodic shipments of truckloads of surplus equipment from county warehouses in the Durango complex to UNICOR facilities in California. Under terms of the purchasing agreement, the county, at its own expense, prepares all shipments for transport, while UNICOR, at its own expense, provides hauling, recycling, and disposal services. These shipments will occur periodically year-round as enough equipment is collected for delivery of a full truckload to UNICOR. (C7605006800) (ADM119)

ADDITION TO FLEET OF A POWER WASH UTILITY TRAILER

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the increase to the fleet of one power wash utility trailer for the Air Quality Department. The total price for the pressure washer and the utility trailer is \$4,136. (C8505018M00) (ADM3104)

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IGA WITH CITY OF PEORIA FOR VECTOR CONTROL SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement (IGA) with the City of Peoria to provide vector control services. The duration of the agreement will be effective upon Board of Supervisors' approval until January 31, 2006. The City of Peoria will pay the county \$146.00 per acre for larvicide application and \$1.49 per acre for adulticide application to city-owned properties. (C8805032200)

CONTRACT WITH HUNT JACOBS A JOINT VENTURE FOR CONSTRUCTION MANAGEMENT SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a professional consultant services contract with Hunt Jacobs A Joint Venture, to provide as needed, construction management services for a two-year period. The consultant will provide estimating, life cycle cost analysis, project/program management, studies/reports/investigations, programming, and/or construction administration and construction management services for various county projects. Consultant fees for this two-year period shall be \$250,000 or less, and are paid by the county's Capital Improvement Programs Fund, Major Maintenance Budget, and/or by budgeted department fees. (C7005044800)

IGA WITH LIBRARY DISTRICT FOR LEASED OFFICE SPACE

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to Approve an office space lease and Intergovernmental Agreement (IGA) between Maricopa County and the Library District, which will allow the Planning and Development Department to lease 390 gross square feet in the Library District's Administration Building at 17811 N. 32nd Street, Phoenix, AZ. (C4405019000)

EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (ADM2007)

- | | |
|------------------|---|
| A221.002
(LS) | Project No: 23012561 - 27th Avenue (Estrella Avenue to Photo View Road) - Amendment to Right of Way - R/W No. 16-107506 - State Land Department State of Arizona. |
| A236.005
(TS) | Project No: TT046 -103rd Street (McLellan to Jensen) - Easement and Agreement for Highway Purposes - Parcel No.: 220-02-025B - Gregory A. Anderson and Laurie L. Anderson - for the sum of \$16,043.00. |
| A236.005
(TS) | Project No: TT046 -103rd Street (McLellan to Jensen) - Purchase Agreement and Escrow Instructions - Parcel No.: 220-02-025B - Gregory A. Anderson and Laurie L. Anderson. |
| A261.002
(LS) | Project No: TT011 - PM10 / 191st Avenue (Van Buren to Indian School Road) - Easement and Agreement for Highway Purposes - Parcel No.: 502-65-006E - Litchfield Elementary School District No. 79 - for the sum of \$121,050.00. |

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- A261.002
(LS) Project No: TT011 - PM10 / 191st Avenue (Van Buren to Indian School Road) - Purchase Agreement and Escrow Instructions - Parcel No.: 502-65-006E - Litchfield Elementary School District No. 79.
- A287.003
(CS) Project No: TT047 - PM 10 / Honda Bow (11th Avenue - 7th Avenue) - Easement and Agreement for Highway Purposes - Parcel No.: 211-22-005A - Denise Stewart - for the sum of \$20,500.00.
- A287.003
(CS) Project No: TT047 - PM 10 / Honda Bow (11th Avenue - 7th Avenue) - Purchase Agreement and Escrow Instructions - Parcel No.: 211-22-005A - Denise Stewart.
- A287.004 &
A287.005
(CS) Project No: TT047 - Honda Bow (11th Avenue - 7th Avenue) - Roadway Easement - Parcel No.: 211-22-002B & 012B - Flood Control District of Maricopa County - for the sum of \$12,700.00.
- A289.004
(LS) Project No: TT047 - Peak View Road (64th Street to 66th Street) - Easement and Agreement for Highway Purposes - Parcel No.: 216-68-104D - John R. Blount and Shirlee Emery Blount - for the sum of \$14,455.00.
- A289.004
(LS) Project No: TT047 - Peak View Road (64th Street to 66th Street) - Purchase Agreement and Escrow Instructions - Parcel No.: 216-68-104D - John R. Blount and Shirlee Emery Blount.
- A289.005
(LS) Project No: TT047 - Peak View Road (64th Street to 66th Street) - Easement and Agreement for Highway Purposes - Parcel No.: 216-68-103G - Eugene F. Hankinson and Lana J. Hankinson - for the sum of \$14,455.00.
- A289.005
(LS) Project No: TT047 - Peak View Road (64th Street to 66th Street) - Purchase Agreement and Escrow Instructions - Parcel No.: 216-68-103G - Eugene F. Hankinson and Lana J. Hankinson.
- A306.005
(JPM) Project No: TT028 - 186th Avenue (Arlington Road to Rustler Road) - Easement and Agreement for Highway Purposes - Parcel No.: 400-52-994 - Antonio Hernandez and Florentina Hernandez - for the sum of \$5,955.00.
- A306.005
(JPM) Project No: TT028 - 186th Avenue (Arlington Road to Rustler Road) - Purchase Agreement and Escrow Instructions - Parcel No.: 400-52-994 - Antonio Hernandez and Florentina Hernandez.
- A317.037 &
A317.038
(JPM) Project No: TT012 - Vineyard Road (Estrella Parkway to 143rd Avenue) and 143rd Avenue (Indian Springs Road to Vineyard Road) - Agreement for Right of Entry - Parcel No.: 400-01-087 & 127 - Albert L. Field, Sr. and Ruth E. Field - for the sum of \$500.00.
- A317.037-2 &
A317.038-2
(JPM) Project No: TT012 - Vineyard Road (Estrella Parkway to 143rd Avenue) and 143rd Avenue (Indian Springs Road to Vineyard Road) - Drainage Easement - Parcel No.: 400-01-087 & 127 - Albert L. Field, Sr. and Ruth E. Field - for the sum of \$8,000.00.

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- A317.038-4
(JPM) Project No: TT012 - Vineyard Road (Estrella Parkway to 143rd Avenue) and 143rd Avenue (Indian Springs Road to Vineyard Road) - Slope Easement - Parcel No.: 400-01-127 - Albert L. Field, Sr. and Ruth E. Field - for the sum of \$9,000.00.
- A317.037 &
A317.038
(JPM) Project No: TT012 - Vineyard Road (Estrella Parkway to 143rd Avenue) and 143rd Avenue (Indian Springs Road to Vineyard Road) - Warranty Deed - Parcel No.: 400-01-087 & 127 - Albert L. Field, Sr. and Ruth E. Field - for the sum of \$31,000.00.
- A317.037,
A317.037-2,
A317.038
A317.038-2,
A317.038-4
(JPM) Project No: TT012 - Vineyard Road (Estrella Parkway to 143rd Avenue) and 143rd Avenue (Indian Springs Road to Vineyard Road) - Purchase Agreement and Escrow Instructions - Parcel No.: 400-01-087 & 127 - Albert L. Field, Sr. and Ruth E. Field.
- DD-9495
(TS) Project No: TL008 - Dedication (Cloud Road & 122nd Street) - Easement and Agreement for Highway Purposes - Parcel No.: 303-54-187 - Francine Alfano - for the sum of \$10.00.
- DD-9495
(TS) Project No: TL008 - Dedication (Cloud Road & 122nd Street) - Purchase Agreement and Escrow Instructions - Parcel No.: 303-54-187 - Francine Alfano.
- DD-9498
(TS) Project No: TL008 - Dedication (18400 South Lindsay Road) - Easement and Agreement for Highway Purposes - Parcel No.: 304-55-016C - X-Caliber Group, L.L.C. - for the sum of \$10.00.
- DD-9498
(TS) Project No: TL008 - Dedication (18400 South Lindsay Road) - Purchase Agreement and Escrow Instructions - Parcel No.: 304-55-016C - X-Caliber Group, L.L.C.
- AZA-17159
(HH) Project No: 69010 - Amendment Right-of-Way Grant - United States Department of the Interior Bureau of Land Management

CHANGE ORDER WITH URS CORPORATION FOR THE SR 303L AND FUNDS TRANSFER

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Change Order No. 10 to Contract No. CY 2001-36 with URS Corporation, in an amount not-to-exceed \$48,765 for the SR 303L from I-10 to US 60 Project No. T109, Work Order No. 69016, contingent upon the Board's adoption of the recommended FY 2005-06 budget. Approve a transfer of \$48,765 from Reserve (T002) to Project No. T109. (C6401241510)

BID FROM NESBITT CONSTRUCTION CO. INC. FOR ASPHALT RUBBER OVERLAY, SPRING 2005

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to accept the low bid of \$1,396,333 from Nesbitt Construction Co., Inc. for the Asphalt Rubber Overlay, Spring 2005, Project No. 30050022, Contract No. 2005-04. (C6405201501)

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IGA WITH GILA RIVER INDIAN COMMUNITY FOR A CORRIDOR STUDY

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the Intergovernmental Agreement (IGA) between Maricopa County and the Gila River Indian Community for a Corridor Study for 51st Avenue from 1/2 mile east of Santa Cruz to the Gila River Indian Community Boundary, Project No. T168. The county is a financial partner only, with GRIC acting as the lead agency for this corridor study. The county's contribution is capped at \$120,000. GRIC will invoice the county once the IGA has been approved by the Board of Supervisors. (C6405240200)

CONTRACT WITH PARSONS TRANSPORTATION GROUP, INC. FOR A DESIGN CONCEPT REPORT

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Consultant Services Contract No. 2004-133 with Parsons Transportation Group, Inc., in an amount not-to-exceed \$243,546.88, for the preparation of a Design Concept Report for the Deer Valley Road, El Mirage Road to Lake Pleasant Road Project, Work Order No. TT182. Approval of this agenda item is contingent upon the Board adopting the recommended FY 2005-06 budget. (C6405249500)

CONTRACT WITH HDR ENGINEERING, INC. FOR DESIGN CONCEPT REPORT

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Consultant Services Contract No. 2004-132 with HDR Engineering, Inc., in an amount not-to-exceed \$249,524, for the preparation of a Design Concept Report for the Beardsley Road, 111th Avenue to El Mirage Road Project, Work Order No. TT181. Approval of this agenda item is contingent upon the Board adopting the recommended FY 2005-06 budget. (C6405250500)

IGA WITH CITY OF MESA AND TOWN OF GILBERT FOR TRAFFIC SIGNAL AND IMPROVEMENTS AT MONTEREY AVENUE AND POWER ROAD

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement (IGA) between Maricopa County, the City of Mesa, and the Town of Gilbert for design and installation of a traffic signal plus associated intersection improvements at the intersection of Monterey Avenue and Power Road (Project #T164). (C6405275200)

IGA WITH ADOT FOR TRAFFIC SIGNAL UPGRADE AT SR 347 AND RIGGS ROAD

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the Intergovernmental Agreement (IGA) between Maricopa County and Arizona Department of Transportation for a traffic signal upgrade at the intersection of State Route 347 and Riggs Road. The county will be the lead agency, with the state providing all the necessary materials and equipment, and will continue to provide maintenance on the upgraded traffic signal. There is no cost to the county. (C6405277200)

IGA WITH TOWN OF GILBERT FOR DESIGN AND IMPROVEMENTS AT WILLIAMS FIELD AND HIGLEY ROADS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement (IGA) between Maricopa County and the Town of Gilbert for design and construction of improvements at the intersection of Williams Field Road and Higley Road (Project #T102). Improvements addressed in this agreement represent the first of two phases of

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improvements. The first phase addresses near-term safety and traffic flow problems at the intersection. The county is undertaking the first phase, including widening the north half of Williams Field Road, providing a left turn lane on Williams Field Road for vehicles turning north onto Higley Road, and installing a traffic signal on the northwest corner of the intersection. The Town of Gilbert will, in a future phase, complete the south half of Williams Field Road, the balance of the intersection improvements, and make improvements to Higley Road. The county's costs for the first phase of the project will be considered as all or part of the county's contribution to any future cost-sharing agreement on the second phase of the project. The agreement provides for coordinating the county's design plans with the town's plans, ensuring that the county's project matches the ultimate improvements contemplated by the town. Approval of this agenda item is contingent upon the Board adopting the recommended FY 2005-06 budget. (C6405278200)

AGREEMENT WITH PULTE HOME CORPORATION AND DAISY MOUNTAIN FIRE DISTRICT FOR EMERGENCY ACCESS GATE

Item: Approve the agreement between Maricopa County, Pulte Home Corporation, and the Daisy Mountain Fire District, for the purpose of establishing rights and responsibilities of each party concerning the construction and maintenance of an emergency access gate at approximately 1760 W. Desert Hills Drive. (C6405280200)

Chairman Wilson asked if anyone wished to address the Board on this matter and Robert Kauffman, citizen, came forward to speak in favor of the construction of an emergency access gate for emergency vehicles and school buses. Mr. Kauffman said that he would not like to see this access road become "the main artery from Anthem to the Desert Hills area." He said that with the population explosion in that area, public access to this road would impede the peace and quiet he currently enjoys.

Supervisor Kunasek thanked Mr. Kauffman for speaking. Supervisor Kunasek said it was his understanding that the gate would provide access to emergency vehicles only and would be for emergency use only. School buses will not have access to the gate.

Chairman Wilson asked how the gate would operate; the response was that an optical sensor on the emergency vehicles would activate the gate.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the agreement as stated above.

EASEMENT TO SALT RIVER PROJECT FOR IRRIGATION PURPOSES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the granting of an easement to Salt River Project (SRP) for irrigation purposes. SRP needs an irrigation easement on county property located on 51st Avenue and Dobbins. This easement is being granted at no cost to SRP because of a prior right by SRP. SRP had an existing easement in place and is having to relocate their irrigation canal. (C6405281B00) (ADM2013)

CONTRACT WITH TBE GROUP, INC. FOR UTILITY LOCATION SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve On-Call Contract No. 2005-14 with TBE Group, Inc. for utility location services in an amount not-to-exceed \$200,000. The contract is effective for 730 calendar days following the Board of

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Supervisors' approval or until the expenditure of \$200,000, whichever occurs first. Approval of this agenda is contingent upon the Board adopting the recommended FY 2005-06 budget. (C6405283500)

ANNEXATION BY TOWN OF QUEEN CREEK - HAWES ROAD FROM RIGGS ROAD TO OCOTILLO

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the annexation by the Town of Queen Creek of county right-of-way within the remaining county right-of-way of Hawes Road from Riggs Road north to Ocotillo Road generally described as all county right-of-way within: The East 55' of the North 1/2 of Section 20. EXCEPT the West 15' of the East 55' of the South 452' and the West 15' of the East 55' of the North 776.25' of the S1/2 of Said North 1/2. The East 55' of the North 1/2 Section 29, together with the East 40' of the South 1/2 of Section 29, EXCEPT the West 15' of the East 55' of the North 745' of said Section and the South 65' of said Section. The West 55' of Section 21. EXCEPT the North 65' and the East 15' of the West 55' of the North 625' and the East 15' of the West 55' of the South 2658.92' of the North 3983.92' and the North 386.78' of the South 4496.49' and the South 65', in accordance with Ordinance No. 274-03. (C6405284B00) (ADM4224)

REIMBURSE SALT RIVER PROJECT FOR ENGINEERING SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve reimbursement to Salt River Project (SRP) in the amount of \$2,558.86 for engineering services by SRP forces for the relocation design of 12kV poles in conflict with the Maricopa County Department of Transportation (MCDOT), Project T048 (16225), PM 10-Southwest Valley. MCDOT acknowledges that the electrical facility has prior rights. Approval of this agenda is contingent upon the Board adopting the recommended FY 2005-06 budget. (C6405285100) (ADM2000-006)

REIMBURSE ARIZONA PUBLIC SERVICE FOR ENGINEERING SERVICES AND CONSTRUCTION COSTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve reimbursement to Arizona Public Service (APS) in the amount of \$85,000 for engineering services and construction costs for the relocation of 12kV poles in conflict with the Maricopa County Department of Transportation, (MCDOT) Project T048 (16225), PM 10-Southwest Valley. The cost may not exceed the estimated amount of \$85,000 by more than 10%. MCDOT acknowledges that the electrical facility has prior rights. Approval of this agenda is contingent upon the Board adopting the recommended FY 2005-06 budget. (C6405286100) (ADM2000-006)

REIMBURSE SALT RIVER PROJECT FOR ENGINEERING SERVICES AND CONSTRUCTION COSTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to:

- Approve reimbursement to Salt River Project (SRP) in the amount of \$72,329 for engineering services and construction by SRP contracted forces for the relocation and associated costs of seven 12kV poles in conflict with the Maricopa County Department of Transportation, (MCDOT) Project T046 (16223), PM 10-Southeast Valley. MCDOT acknowledges that the electrical facility has prior rights. The cost may not exceed the estimated amount of \$72,329 by more than 10%.
- Approve and execute SRP Design and Construction Contract for the installation/modification of electrical facilities. Approval of this agenda is contingent upon the Board adopting the recommended FY 2005-06 budget. (C6405287100)

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APPOINTMENT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to appoint Mr. Rick Lozar to the Citizen Advisory Audit Committee whose term will be effective May 15, 2005 through May 14, 2007. (ADM2602)

HEARING SET – EASEMENT FOR SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to set a public hearing for Wednesday, June 8, 2005, at 9:00 am, to solicit comments regarding the approval and execution of an easement for Salt River Project Agricultural Improvement and Power District (SRP) that allows for electrical service to the McDowell Mountain Regional Park Visitor Center. (C3005025000) (ADM2013)

HEARING SET – EASEMENTS AND IGA WITH SRP AGRICULTURAL IMPROVEMENT AND POWER DISTRICT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to schedule a public hearing for Wednesday, June 8, 2005, at 9:00 am, to solicit comments regarding the approval and execution of easements and an Intergovernmental Agreement (IGA) with Salt River Project Agricultural Improvement and Power District (SRP) for a new 12kV under ground service in exchange for an enlarged utility easement that allows for electrical service to the McDowell Mountain Regional Park and Rio Verde Community. (C3005036200) (ADM2013)

HEARING SET – RESOLUTION FOR AIR POLLUTION CONTROL RULE 310 FOR ARIZONA SIP

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to schedule a public hearing, as required by 40 CFR 51, for Wednesday, June 8, 2005, at 9:00 am, to solicit comments on the resolution to submit supplemental information on the implementation of Maricopa County Air Pollution Control Rule 310 consisting of the Application for Dust Control Permit and Guidance for Application for Dust Control Permit as a revision to (Arizona) State Implementation Plan (SIP) for PM-10. Following the public hearing, the Board is requested to approve the resolution and submit it as a revision to (Arizona) State Implementation Plan for PM-10. (C8505019000) (ADM2354) (ADM2351-001)

HEARING SET – REVISION TO AIR POLLUTION CONTROL REGULATION RULE 316 FOR ARIZONA SIP

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to schedule a public hearing, as required by A.R.S. §49-479(b), for Wednesday, June 8, 2005, at 9:00 am, to solicit comments on proposed revisions to Maricopa County Air Pollution Control Regulation Rule 316 (Nonmetallic Mineral Processing) and on submitting the rule as a revision to the (Arizona) State Implementation Plan (SIP). Following the public hearing, the Board is requested to adopt proposed revisions to Maricopa County Air Pollution Control Regulations Rule 316 and to submit the rule as a revision to the (Arizona) State Implementation Plan. (C8505020000) (ADM2354) (ADM2351-001)

HEARING SET – PLANNING AND ZONING CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated

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areas of Maricopa County for June 8, 2005, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

Z2000136; Z2004062

ASRS CLAIMS

No ASRS Claims were presented at this time.

CANVASS OF ELECTIONS

No election canvasses were presented at this time.

CLASSIFICATION CHANGES

Pursuant to A.R.S. §42-12054, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the Assessor's recommendation to change classification and/or reduce the valuation of certain properties which are now owner-occupied. (ADM723)

PARCEL NUMBER	YEAR	OWNER	FROM	TO
102-20-881	2004	Juan Aragon	LC/4	LC/MIXED
102-76-095	2002	Pierre S Kedra	LC/4	LC/3
102-76-095	2003	Pierre S Kedra	LC/4	LC/3
102-76-095	2004	Pierre S Kedra	LC/4	LC/3
122-58-050C	2002	Jose Garcia	LC/4	LC/3
122-58-050C	2003	Jose Garcia	LC/4	LC/3
122-58-050C	2004	Jose Garcia	LC/4	LC/3
133-36-454	2002	Bonni Bledsoe	LC/4	LC/3
133-36-454	2003	Bonni Bledsoe	LC/4	LC/3
133-36-454	2004	Bonni Bledsoe	LC/4	LC/3
141-52-872	2003	George Knispel	LC/4	LC/3
141-52-872	2003	George Knispel	LC/4	LC/3
146-01-072A	2002	Adelina Gonzales	LC/4	LC/3
146-01-072A	2003	Adelina Gonzales	LC/4	LC/3
146-01-072A	2004	Adelina Gonzales	LC/4	LC/3
160-61-067	2004	Nancy Schmit	LC/4	LC/MIXED
164-56-154	2002	Matthew Fiedler	LC/4	LC/3
164-56-154	2003	Matthew Fiedler	LC/4	LC/3
164-56-154	2004	Matthew Fiedler	LC/4	LC/3
167-08-014	2002	Vincent Anselmo	LC/4	LC/3
167-08-014	2003	Vincent Anselmo	LC/4	LC/3
167-08-014	2004	Vincent Anselmo	LC/4	LC/3
167-27-693	2004	Esther Gilbert	LC/4	LC/MIXED
201-09-598	2002	James R Brown	LC/4	LC/3
201-09-598	2003	James R Brown	LC/4	LC/3
201-09-598	2004	James R Brown	LC/4	LC/3
214-01-110	2002	Hsiang Ying Tang	LC/4	LC/3
214-01-110	2003	Hsiang Ying Tang	LC/4	LC/3
214-01-110	2004	Hsiang Ying Tang	LC/4	LC/3

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217-49-400	2002	San Vivrito	LC/4	LC/3
217-49-400	2003	San Vivrito	LC/4	LC/3
217-49-400	2004	San Vivrito	LC/4	LC/3
218-64-150	2002	Terry A Feher	LC/4	LC/3
218-64-150	2003	Terry A Feher	LC/4	LC/3
218-64-150	2004	Terry A Feher	LC/4	LC/3
301-94-071	2002	Michael A Smolka	LC/4	LC/3
301-94-071	2003	Michael A Smolka	LC/4	LC/3
301-94-071	2004	Michael A Smolka	LC/4	LC/3
302-37-285A	2002	Jan Chapman	LC/4	LC/3
302-37-285A	2003	Jan Chapman	LC/4	LC/3
302-37-285A	2004	Jan Chapman	LC/4	LC/3
308-04-049A	2002	Patricia Petty	LC/4	LC/3
308-04-049A	2003	Patricia Petty	LC/4	LC/3
308-04-049A	2004	Patricia Petty	LC/4	LC/3
310-11-215	2004	Norman Westerdale	LC/4	LC/3

COMPROMISES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to accept the requested compromises as payment in full for the following cases: (Discussed in Executive Session on April 18, 2005) [Clerk's note: This note is not part of the formal minutes. See June 8, 2005 Formal Board for correction on Anthony Leon to \$27,000.] (ADM407)

Andre, Michael	\$3,000.00	Naltsas, Filippas	\$3,500.00
Castro, Josue	\$6,377.79	Naltsas, Fontini	\$2,250.00
Gurule, Christopher	\$4,500.00	Rico, Andrea	\$5,000.00
Kennedy-Stevens, Katherine A.	\$6,000.00	Wasielewski, Desiree	\$350.00
Leon, Anthony	\$25,000.00	Wasielewski, Francis	\$1,000.00
Littleman, Jason	\$6,000.00		

DUPLICATE WARRANTS

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

COUNTY

NAME	WARRANT	FUND	AMOUNT
Lawrence Allen	350545880	Expense	\$1,800.00

SCHOOL

NAME	SCHOOL	WARRANT	AMOUNT
Melissa Brickhouse	Tolleson Union High School	450096681	\$405.00
Gila Bend SD	Gila Bend SD	45103664	\$400.00
Geneva Mosley	Roosevelt SD #66	150098934	\$349.44
The Materials Co. of Boston	Phoenix Elem SD #1	450109890	\$210.10
Prescott Rsr & Conference Cntr	Agua Fria Union High SD #21	450102609	\$165.00

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AZ Dept of Public Safety	Maricopa County Regional SD	450102664	\$138.00
Heather Hilland	Queen Creek SD #95	150090867	\$531.41
The Arizona Republic	Roosevelt SD #66	450076807	\$40.00
FedEx Kinko's	Maricopa County Regional SD	450043121	\$1,265.42

PRECINCT COMMITTEEMEN

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and removal of precinct committeemen due to disqualification in accordance with lists dated May 4, 2005, as submitted by the Elections Director, and on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

SECURED TAX ROLL CORRECTIONS

No secured tax roll corrections were presented at this time.

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the settlement of tax cases dated May 4, 2005. (ADM704)

2001/2002	2004/2005/2006
TX 03-000122	CV 03-023728
2002	CV 03-023729
TX 03-000536	2005
2003	ST 04-000131
TX 03-000060	ST 04-000283
2004	ST 04-000285
CV 04-001963	ST 04-000358
ST 04-000006	TX 04-000612
ST 04-000245	TX 04-000622
TX 03-000539	TX 04-000768
TX 04-000020	TX 04-000786
TX 04-000088	TX 04-000807
TX 04-000106	TX 04-000828
TX 04-000111	2005/2006
TX 04-000275	TX 04-000869
2004/2005	Outside Counsel
CV 04-001966	TX 04-000372
ST 04-000125	
ST 04-000280	
TX 03-000643	
TX 04-000132	

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STALE DATED WARRANTS

No stale dated warrants were presented at this time.

TAX ABATEMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve requests for tax abatements from the Treasurer's Office. (List is retained in accordance with ASLAPR approved retention schedule.) (ADM708)

Parcel #	Year	Proposed Abatement
928-71-112	1997	\$572.84
934-55-434	1998	\$832.38
928-87-927	1995	\$18,229.58
928-87-927	1996	\$19,549.02
928-53-007	1998	\$14,314.21
924-76-108	1998	\$8,103.50
604-00-001	1999	\$50,889.51
104-41-001D	1990	\$1,649.10
104-41-001D	1991	\$2,139.61
104-41-001D	1992	\$2,255.17
104-41-001D	1993	\$2,352.31
104-41-001D	1994	\$2,449.65
104-41-001D	1995	\$1,982.61
104-41-001D	1996	\$1,646.75
104-41-001D	1997	\$1,646.82
104-41-001D	1998	\$2,026.98
104-41-001D	1999	\$1,837.16
104-41-001D	2000	\$1,546.53
104-41-001D	2001	\$1,610.34
934-43-710	1999	\$36,036.27
934-43-710	2001	\$3,276.87

WRITE-OFFS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to accept the requested write-offs for accounting purposes only for the following cases: (Discussed in Executive Session held April 18, 2005). (ADM407)

Biar, Abraham	\$44,583.73	Stahle, John	\$7,199.75
Eceverre-Mireles, Jorge	\$52,361.59		

Write-off of Sheriff's Uncollectible Accounts List is retained in accordance with ASLAPR approved retention schedule. \$25,592.36

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IGA WITH CITY OF MESA FOR ANIMAL SHELTER SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to:

- Retroactively approve an Intergovernmental Agreement (IGA) between the City of Mesa and Maricopa County Animal Care & Control (AC&C). Under the Agreement, ACC provides the City of Mesa with animal shelter services. The city agrees to pay for shelter services, plus additional costs incurred for court ordered animal holds, impounded feral cats, and any animal other than a dog or cat as determined in the contract. The term of agreement is from July 1, 2004 through June 30, 2005.
- Approve an expenditure and revenue appropriation adjustment of \$62,899.53 for FY 2004-05. IGA revenue is not local revenue for the purpose of the constitutional expenditure limitation; hence this budget adjustment would not alter the budget constraining the expenditure of local revenues. (C7905088200) (Addendum item # A-2.)

PUBLIC COMMENT

William Zapka, representing a residential committee in Sun City, stepped forward to present a "Quiet Zone" Train Horn petition to the Board. Mr. Zapka distributed copies of the petitions and summary to the Board of Supervisor for their reference and read the summary which briefly highlighted the objective, the quiet zone area, and the supporters to this petition. Mr. Zapka reported that over 1300 signatures were collected in support of this petition which will prohibit trains from sounding their horns during the overnight period between 9:00 am and 7:00 am daily. Mr. Zapka asked if he could be provided with a name and phone number of a County representative to follow-up on the progress on this matter. (ADM605)

SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS

Supervisor Stapley expressed his disappointment with an article in the Arizona Republic written by John Talten, a columnist, for supplying misleading information about the Special Health Care District, without having ever attended the Board meetings or interviewed the Board Members. Supervisor Stapley thanked Chairman Wilson for his leadership in representing the County in the editorial piece (his response to the article) about the importance of this system.

Chairman Wilson called for a five-minute break, after which the Board continued with the remaining issues on the agenda.

PLANNING AND ZONING AGENDA

David Smith left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Deputy County Administrator, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

CONSENT AGENDA DETAIL:

- | | | |
|-----------|-------------------|-------------------------|
| 1. | Z2002-140 | District 4 |
| | Applicant: | Gallagher & Kennedy, PA |

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Location: Southeast corner of the El Mirage Road and Pinnacle Peak Road alignments (in the Surprise/Peoria area)
Request: Rezone from Rural-43 to C-S PD for Sundero Plaza (approx. 20.22 acres)

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2002-140, subject to the following stipulations "a" through "i". Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the zoning exhibit entitled "Sundero Plaza Conceptual Site Plan", consisting of one (1) full-size sheet, dated (revised) February 17, 2005, and stamped received March 14, 2005, except as modified by the following stipulations.
- b. Development of the site shall comply with the landscape plan entitled "Sundero Plaza Conceptual Landscape Plan", consisting of one (1) full-size sheet, dated (revised) February 17, 2005, and stamped received March 7, 2005, except as modified by the following stipulations.
- c. Development of the site shall be in conformance with the narrative report entitled "Sundero Plaza", consisting of nine (9) pages plus exhibits, dated (revised) February 17, 2005, and stamped received February 22, 2005, except as modified by the following stipulations.
- d. Approval is subject to conditional zoning per Article 304.6 of the Maricopa County Zoning Ordinance (MCZO) for a period of three (3) years, within which time a precise plan of development must be approved by the Board of Supervisors (BOS). If a precise Plan of Development is not approved within this timeframe, this case will be referred to the BOS, upon recommendation by the Planning and Zoning Commission, for reversion to the previous zoning classification.
- e. Dedication of additional rights-of-way to bring the total half-width dedication to 70' for El Mirage Road and 20 feet for a drainage easement shall occur within six (6) months of approval of this request by the Board of Supervisors, and prior to zoning clearance.
- f. Per Maricopa County Department of Transportation requirements the applicant shall provide only three (3) access points (driveways) onto El Mirage Road with primary access aligning with proposed access Pinnacle Peak Road re-alignment.
- g. Concurrent with the submittal of a precise plan of development for the site, a final landscape plan is to be submitted which is generally consistent with the conceptual landscape plan.
- h. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way.
- i. Prior to construction, a Floodplain Use Permit must be obtained from the Regulatory Division of the Flood Control District in conjunction with the necessary building permits.

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- j. A Flood Control District Right-of Way Permit must be obtained prior to construction of the site outfall onto District land as proposed.
- k. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- l. The applicant shall survey the subject property for cultural resources and submit the survey to the State Historic Preservation Office for review and comment prior to precise plan of development.
- m. Concurrent with the submittal of a precise plan of development for the site, the applicant shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- n. Concurrent with the submittal of a precise plan of development for the site, the applicant shall provide a "will-serve" letter from Arizona-American Water Company or other qualified provider for both water and sewer service.
- o. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
- p. Written notification shall be provided to all future tenants that they are located within the "State-Defined Territory In The Vicinity Of A Military Airport" and may be subject to loud noise and overflights from military aircraft. Sound attenuation is recommended per ARS 28-8482.
- q. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- r. Major changes to the site plan, landscape plan, or narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes may require a new Citizen Participation Process as determined by the Planning and Development Department.
- s. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance (MCZO). Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the MCZO.
- t. The site is subject to a Plan of Development (PD) Overlay zone. A precise Plan of Development shall be required prior to development.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "t."

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- 2. Z2004-057 District 2**
Applicant: Rio Verde Services, Inc.
Location: North of Rio Verde Drive and south of Dixileta Road, between 172nd Street and 176th Street (in the Rio Verde area)
Request: Rezone from Rural-43 to R1-10 for Vista Verde Unit 1 Phase 1 (approx. 116.4)

COMMISSION ACTION: Commissioner Porter moved to recommend approval of Z2004-057, subject to the following stipulations "a" through "p". Commissioner Pugmire seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development and use of the site shall comply with the zoning exhibit entitled "Vista Verde Phase 1 Zoning Exhibit for zoning Rural-43 to R1-10" consisting of three (3) full size sheets, dated March 21, 2005 received March 23, 2005 except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Vista Verde Unit 1" consisting of four (4) pages, amended February 15, 2005 and stamped received February 15, 2005 except as modified by the following stipulations.
- c. Vista Verde R1-10 lots shall be limited to a maximum of 185 dwelling units on 116.4 acres. The total number of residential lots for Vista Verde shall be limited 842 units on 856.2 acres of land.
- d. All signs shall be in compliance with Maricopa County Zoning Ordinance.
- e. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- f. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- g. Development of the site shall include half-street improvements to ultimate width for Rio Verde Dr. and 172nd St. along the perimeter of the site at the discretion of the Maricopa County Department of Transportation.
- h. Perimeter roads will be public roads, built to Maricopa County Department of Transportation (MCDOT) standards and maintained by MCDOT.
- i. All landscaping within the Maricopa County right-of-way shall be in compliance with Maricopa County Department of Transportation regulations.
- j. All interior streets within the proposed development are to be constructed to minimum Maricopa County standards.
- k. Provide a revised (updated) Traffic Impact Study (TIS) before the final plat that addresses all phases of development. Development must comply with all recommendations in Maricopa County Department of Transportation approved TIS.

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- l. Perimeter walls shall not exceed five (5) feet in height.
- m. All irrigation of common areas shall be in compliance with Arizona Department of Water Resources regulations. When sufficiently available, all irrigation of common areas shall be done entirely with treated effluent.
- n. The Vista Verde Homeowner's Association shall be responsible for the maintenance and upkeep of drainage ways and drainage easements. Nothing may be placed or constructed in a drainage easement which will obstruct, alter or divert the flow or obstruct vehicular access for channel maintenance.
- o. Major changes to this plan of development (the site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department. Major changes may require a Citizen Participation Process as determined by the Planning and Development Department.
- p. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "p."

- 3. S2004-023 District 3**
Applicant: Stanley Consultants, Inc. for Anthem Arizona, LLC
Location: North of Anthem Way and west of Navigation Way (in the Anthem area)
Request: Final Plat in the R1-6 RUPD zoning district for Anthem Unit 59 (Approx. 17.37 gross acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the final plat.

REGULAR AGENDA DETAIL:

- 4. Z2004-107 District 4**
Applicant: RDB Management & Construction
Location: Southwest corner of Dysart Road and Olive Avenue (in the Glendale area)
Request: Special Use Permit (SUP) in the Rural-43 Airport Overlay Zones 1 and 2, and AD-3 zoning districts, for Dysart RV & Storage (approx. 35 acres)

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2004-107, subject to the following stipulations "a" through "p". Commissioner Jones seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall be in substantial conformance with the site plan entitled "Special Use Permit for Dysart RV & Boat Storage", consisting of two (2) full-size sheets,

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dated October 8, 2004 and stamped received January 18, 2005, except as modified by the following stipulations.

- b. Development of the site shall be in conformance with the narrative report entitled "Request: Special Use Permit, Dysart RV & Boat Storage", consisting of three (3) pages, dated revised January 3, 2005 and stamped received January 18, 2005, except as modified by the following stipulations.
- c. Dedication of additional rights-of-way to bring the total half-width dedication to 70' for Olive Ave. and Dysart Rd. and bonding for off-site improvements for Olive Ave. and Dysart Rd. within six (6) months of approval of this request by the Board of Supervisors, and prior to zoning clearance.
- d. The applicant shall construct and stripe a right turn lane per Maricopa County Department of Transportation (MCDOT) specifications into the site from Dysart Rd. with Phase I improvements and a left turn lane per MCDOT specifications into the site from Dysart Rd. prior to opening Phase III.
- e. The applicant shall pave the main driveway into the site from Dysart Rd. a maximum of 40' and pave 24' of the secondary emergency access driveway from Olive Ave., both with Phase I improvements.
- f. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way.
- g. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- h. The applicant shall obtain a Drainage Clearance in conjunction with a building permit. The drainage clearance will require that a grading plan be submitted providing a registered professional civil engineer's certification statement to read, "I certify that all finished floor elevations are free from inundation during the 100-year peak runoff event."
- i. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- j. The applicant shall survey the subject property for cultural resources and submit the survey to the State Historic Preservation Office for review and comment prior to any development of the site.
- k. The office facility will be subject to noise attenuation requirements, as per ARS 28-8482 and the Airport Overlay Zone 2 (75-80 Ldn) regulations in the Maricopa County Zoning Ordinance (MCZO).
- l. This Special Use Permit shall expire twenty (20) years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first.

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- m. The applicant shall submit a written report outlining the status of the development at the end of five (5) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations. The status report shall include photographs of the facility.
- n. Major changes to this Special Use Permit (site plan and narrative report), or the conditions of approval, shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- o. Non-compliance with the regulations administered by the Maricopa County Planning and Development Department, Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- p. Non-compliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance (MCZO). Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the MCZO (Maricopa County Zoning Ordinance).

Darren Gerard outlined the Commission action on this item. There were no speakers. Mr. Gerard said only one letter of concern was received; a property owner was concerned of accessibility to his property. A copy of the letter was distributed to the Supervisors.

In response to Chairman Wilson's questions, Mr. Gerard said that the road on this property was privately owned and maintained by the property owners and that only two employees would be employed at this site.

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "p."

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board